

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA

*Note:- There is one Supplement to the Official Gazette Series I No. 42 dated 17-1-2002 namely, Supplement dated 18-1-2002 from pages 1045 to 1072 regarding Bills from Goa Legislature Secretariat.*

### GOVERNMENT OF GOA

Department of Law & Judiciary

Legal Affairs Division

#### Notification

10/4/99-LA(Vol.III)PF

The Notification No. II 13013/16/2001 - Legal Cell dated 27-11-2001 of Government of India, Ministry of Home Affairs, New Delhi is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 3rd January, 2002.

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

New Delhi, 27th November, 2001

#### Notification

**GSR-(E).**— In exercise of the powers conferred by sub-section (1) read with clause (h) of

sub-section (2) of section 61 of the Prevention of Terrorism Ordinance, 2001 (9 of 2001), the Central Government hereby makes the following rules, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Making of Application (Removal of Organisation from the Schedule) Rules, 2001.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Definitions.*— In these rules, the context otherwise requires,—

(a) "Ordinance" means the Prevention of Terrorism Ordinance, 2001 (9 of 2001);

(b) "Section" means the section of the Ordinance;

(c) All other words and expressions used in these rules but not defined in these rules and defined in the Ordinance shall have the meanings respectively assigned to them in the Ordinance.

3. *Making of application.*—(1) Any person or an organisation affected by the inclusion of the organisation in the Schedule as a terrorist organisation may prefer an appeal to the Central Government.

(2) An application may be made by the organisation listed in the Schedule, duly signed by an office-bearer of the organisation or any person affected by inclusion of the organisation in the Schedule as a terrorist organisation.

4. *Procedure for filing and disposal of application.*— (1) Every appeal to the Central Government shall be made in the form of a memorandum signed by the person or an office-bearer

of the organisation affected, and shall be addressed to the Secretary to the Government of India in the Ministry of Home Affairs and be presented to the officer personally or sent to him by registered post with acknowledgement due.

(2) The memorandum of appeal shall set forth, concisely and under district head, the grounds of objections to the inclusion of the organisation in the Schedule without any argument or narrative; with the grounds numbered consecutively on which the application is made for removal of the name of the organisation from the Schedule.

(3) The application made under sub-section (1) of section 19 of the Ordinance shall be considered and disposed of with the prior approval of the Central Government within a period of forty-five days from the date of receipt of application.

(4) If the application filed by a person or an organisation is defective in form, the Central Government shall, before rejecting such application, call upon the party concerned to remove the defects within a particular time, and if he or it does so, the application shall be considered.

5. *Application for review to Review Committee.*— An organisation, if aggrieved by the orders of the Central Government, may make an application for a review to the Review Committee constituted under sub-section (1) of section 59 within one month from the date of receipt of the order by the applicant.

A. K. JAIN,

Joint Secretary to the Govt. of India  
(File No. II 13013/16/2001-Legal Cell)

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Department of Personnel

Notification

18/1/2000-PER

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Goa hereby makes the following rules, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa State Civil Services (Recognition of Service Associations) Rules, 2001.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. *Definitions.*— In these rules, unless the context otherwise requires,—

(a) "Government" means the Government of Goa;

(b) "Government servant" means any person in the service of the Government to whom the Central Civil Services (Conduct) Rules, 1964, apply.

3. *Application.*— These rules shall apply to service associations of all Government servants in the State of Goa.

4. *Continuation of service associations already recognized.*— A service association or a federation which has been recognized by the Government before the commencement of these rules and in respect of which the recognition is subsisting at such commencement shall continue to be so recognized for a period of one year from such commencement or till the date on which the recognition is withdrawn, whichever is earlier:

Provided that such recognised service association submits its application for fresh recognition under these rules within the aforesaid period of one year failing which the substituting recognition shall be treated as cancelled.

5. *Conditions for recognition of service associations.*— A service association which fulfils the following conditions may be recognized by the Government, namely:—

(a) an application for recognition of service association has been made to the Government containing Memorandum of Association, constitution, bye-laws of the association, names of Office-bearers, total membership and any other information as may be required by the Government;

(b) the service association has been formed primarily with the object of promoting the common service interest of its members;

(c) membership of the service association has been restricted to a distinct category of Government servants having common interest, all such Government servants being eligible for membership of the service association;

(d) (i) the association represents minimum 35 per cent of total number of a category of employees, provided that, where there is only one association which commands more than 35 per cent membership, another association with second highest membership, although less than 35 per cent may be recognized if it commands at least 15 per cent membership;

(ii) the membership of the Government servant shall be automatically discontinued on his ceasing to belong to such category;

(e) Government employees who are in service shall be members or office bearers of the service association;

(f) the service association shall not be formed to represent the interests, or on the basis, of any caste, tribe or religious denomination or of any group within or section of such caste, tribe or religious denomination;

(g) the Executive body of the service association has been appointed from amongst the members only; and

(h) the funds of the service association consist exclusively of subscriptions from members and grants, if any, made by the Government, and are applied only for the furtherance of the objects of the service association.

6. *Conditions subject to which recognition is continued.*— Every service association recognized under these rules shall comply with the following conditions, namely:—

(a) the service association shall not send any representation or deputation except in connection with a matter which is of common interest to members of the service association;

(b) the service association shall not espouse or support the cause of individual Government servants relating to service matters;

(c) the service association shall not maintain any political fund or lend itself to the propagation of the views of any political party or a member of such party;

(d) all representations by the service association shall be submitted through proper channel and shall be addressed to the Secretary to the Government/Head of the Organisation or Head of the Department or Office;

(e) a list of members and office bearers, an up-to-date copy of the rules and an audited statement of accounts of the service association shall be furnished to the Government annually through proper channel after the annual general meeting so as to reach the Government before the 1st day of July each year;

(f) the service association shall abide by, and comply with all the provisions of its constitution/bye-laws;

(g) any amendment in the constitution/bye-laws of the service association, after its recognition under these Rules, shall be made only with the prior approval of the Government;

(h) the service association shall not start or publish any periodical, magazine or bulletin without the previous approval of the Government;

(i) the service association shall cease to publish any periodical, magazine or bulletin, if directed by the Government to do so, on the ground that the publication thereof is prejudicial to the interests of the Central Government, the Government or the Government of any State or any Government authority or to good relations between Government servants and the Government or any Government authority, or to good relations between the Government of India and the Government of a foreign State;

(j) the service association shall not address any communication to, or enter into correspondence with, the Government of India or a foreign authority except through the Government which shall have the right to withhold it;

(k) the service association shall not do any act or assist in the doing of any act which, if done by a Government servant, would contravene any of the provisions of the Central Civil Services (Conduct) Rules, 1964 as are applicable to the Government servants; and

(l) communications addressed by the service association or by any office-bearer on its behalf to the Government or a Government authority shall not contain any disrespectful or improper language.

7. *Verification of membership.*— (1) The verification of membership for the purpose of

recognition of a service association shall be done by the check-off-system in pay-rolls at such intervals and in such manner as the Government may, by order, specify.

(2) The Government may, at any time, order a special verification of membership if it is of the opinion, after an enquiry, that the service association does not have the membership required under sub-clause (i) of clause (d) of rule 5.

8. *Withdrawal of recognition.*— If, in the opinion of the Government, a service association recognized under these rules has failed to comply with any of the conditions set out in rule 5 or rule 6 or rule 7 hereto, the Government may, after giving an opportunity to the service association to present its case, withdraw the recognition accorded to such association.

9. *Relaxation.*— The Government may dispense with or relax the requirements of any of these rules to such extent and subject to such conditions as it may deem fit in regard to any service association.

10. *Interpretation.*— If any question arises as to the interpretation of any of the provisions of these rules or if there is any dispute relating to fulfilment of conditions for recognition, it shall be referred to the Government, whose decision thereon shall be final.

By order and in the name of the Governor of Goa.

D. M. Borkar, Under Secretary (Personnel).

Panaji, 6th November, 2001.